

REMARKS

In response to the Requirement for Restriction mailed July 20, 2005, Applicants respectfully traverse the rejection. However, in order to be fully responsive, Applicants elect **Group II** drawn to an isolated polynucleotide.

The Examiner has further required that Applicants make an election of a single DNA or protein sequence for examiner if Invention I or II is elected. Applicants respectfully traverse this further requirement, and submit that it would not place an undue burden on the Examiner to search more than one sequence in claim 1. The sequences in claim 1 are all related, both structurally and functionally. For example, SEQ ID NOs: 3-12 all share extensive sequence homology, and at the very least, contain conservative variations in sequence. Further, all of SEQ ID NOs: 3-12 and 14-21 are functionally related by having antimicrobial activity. Applicant strenuously objects to the division of the polynucleotide sequences encoding peptides having amino acid sequences as set forth in claim 1 such that Applicants would be forced to file 17 separate patent applications to obtain protection for related sequences having identical functions.

In order to be fully responsive, Applicants provisionally elect the polynucleotide sequence encoding a peptide having an amino acid sequence as set forth in SEQ ID NO: 6 - KWKLFFKKIGIGAVLKVVLKVLTTGLPALKLTLK, with traverse. The non-elected sequences are retained in this application pending final disposition of the pending sequences.

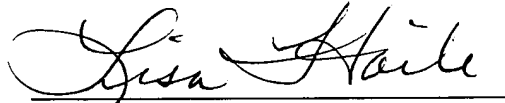
In re Application of:
Hancock, et al.
Application No.: 10/823,425
Filed: April 12, 2004
Page 3

PATENT
Attorney Docket No.: UBC1110-3

A check in the amount of \$795.00 is enclosed to cover a Four Month Extension of Time fee. No additional fee is believed due in connection with this Response to Restriction Requirement. In the event that any additional fee is due, the Commissioner is hereby authorized to charge any amounts required by this filing, or credit any overpayment, to Deposit Account No. 07-1896.

The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

Respectfully submitted,



Date: December 16, 2005

Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

USPTO CUSTOMER NO. 28213
DLA PIPER RUDNICK GRAY CARY US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133